

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**
Philadelphia Division

IN RE:
JOHN P. KERR
aka John Kerr

Case No. 23-10496-mdc

Chapter 13

U.S. Bank National Association, as Trustee for
Residential Asset Mortgage Products, Inc.,
Mortgage Asset-Backed Pass-Through Certificates,
Series 2006-NC1,
Movant

vs.

JOHN P. KERR
aka John Kerr,
Debtor

**OBJECTION TO CONFIRMATION
OF DEBTOR'S CHAPTER 13 PLAN**

U.S. Bank National Association, as Trustee for Residential Asset Mortgage Products, Inc., Mortgage Asset-Backed Pass-Through Certificates, Series 2006-NC1 ("Movant"), by and through its undersigned counsel, files this *Objection to Confirmation of Debtor's Chapter 13 Plan* (Doc 16), and states as follows:

1. The Debtor filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on February 21, 2023.

2. Movant holds a security interest in the Debtor's real property located at 7105 Oxford Avenue, Philadelphia, PA 19111 (the "Property"), by virtue of a Mortgage which is recorded as instrument Number 51327601 in Official Records of Philadelphia County, Pennsylvania. Said Mortgage secures a Note in the amount of \$120,000.00.

3. The Debtor filed a Chapter 13 Plan (the "Plan") on April 7, 2023 (Doc 16).

4. Although Movant has not yet filed its proof of claim, it is anticipated that the claim will show the pre-petition arrearage due to Movant is \$71,925.53 whereas the Plan proposes to pay only \$49,294.84.

5. Movant objects to Debtor's proposed Chapter 13 Plan is not in compliance with the requirements of 11 U.S.C. §§ 1322(b)(3) and 1325(a)(5) and cannot be confirmed.

6. Movant objects to any plan which proposes to pay it anything less than \$71,925.53 as the pre-petition arrearage over the life of the plan.

WHEREFORE, Movant respectfully requests the entry of an Order which denies confirmation of the Plan unless such plan is amended to overcome the objections of Movant as stated herein, and for such other and further relief as the Court may deem just and proper.

/s/Andrew Spivack

Andrew Spivack, PA Bar No. 84439

Matt Fissel, PA Bar No. 314567

Mario Hanyon, PA Bar No. 203993

Ryan Starks, PA Bar No. 330002

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and exact copy of the foregoing Objection To Confirmation Of Debtor's Chapter 13 Plan has been electronically served or mailed, postage prepaid on this day to the following:

Via Electronic Notice:

ANTHONY A. FRIGO, Debtor's Attorney
175 Strafford Ave
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KENNETH E WEST, Bankruptcy Trustee
1234 Market Street - Suite 1813
Philadelphia, PA 19107

Office of United States Trustee, US Trustee
Robert N.C. Nix Federal Building
900 Market Street, Suite 320
Philadelphia, PA 19107

Via First Class Mail:

JOHN P. KERR
430 ASHLEY DR
HATBORO, PA 19040

Date: April 13, 2023

/s/Andrew Spivack

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